

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

PAUL CHACON

Plaintiff,

v.

THE UNIVERSITY OF PHOENIX, INC.

Defendant.

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EP-14-CV-0008-DCG

**ORDER ACCEPTING VOLUNTARY DISMISSAL**

Before the Court is Plaintiff Paul Chacon's "Notice of Withdrawal of Complaint and Voluntary Dismissal of Action With Prejudice" (ECF No. 10), filed on August 11, 2014, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides that a "plaintiff may dismiss an action . . . by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment . . ." Fed. R. Civ. P. 41(a)(1)(A)(i). "Unless the notice or stipulation states otherwise the dismissal is without prejudice." Fed. R. Civ. P. (a)(1)(B).

In the present case, Defendant University of Phoenix has not filed an answer or a motion for summary judgment and, as such, Plaintiff's "Notice of Withdrawal of Complaint and Voluntary Dismissal of Action With Prejudice" is **ACCEPTED**.

Moreover, because Plaintiff's Notice stipulates that dismissal will be with prejudice, **IT IS HEREBY ORDERED** that Plaintiff's claims against Defendant University of Phoenix are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the Clerk of Court **SHALL CLOSE** this case.

IT IS FINALLY ORDERED that all other pending motions, if any, are DENIED AS MOOT.

So ORDERED and SIGNED this 12<sup>th</sup> day of August, 2014.



DAVID C. GUADERRAMA  
UNITED STATES DISTRICT JUDGE